

REMARKS

Initially, Applicant would like to express appreciation to the Examiner for the detailed Official Action provided. Upon entry of the present amendment, claims 1-2, 4-5, 21, 23, 27-28 and 30-32 will have been amended. Claims 1-2, 4-5, 21, 23, 27-28 and 30-32 are pending in the present application for consideration by the Examiner.

The Examiner has rejected claims 1-2, 4-5, 21, 23, 27-28 and 30-32 under 35 U.S.C. § 112, second paragraph as being indefinite. Specifically, the Examiner has asserted that the upper member, upper cylindrical holder and positioning member recited in independent claims 1, 21 and 23 are not part of the lens molding die, but rather are part of the structure used to manufacture the lens-molding die. However, the Examiner has considered the claims as a combination of the lens molding die and a device for producing the lens molding die, and has indicated that such a combination would be allowable over the art of record if the claims were amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. Applicant gratefully appreciates the Examiner's indication of allowability in this regard.

Without agreeing to the propriety of the Examiner's rejection and solely to expedite the patent application process, applicant has amended these three independent claims, and the claims dependent therefrom, to recite in the preamble a "lens molding assembly." Further, independent claims 1, 21 and 23 recite that the lens molding die comprises a base member, resin-molded surface layer and lower cylindrical holder. Therefore, the claimed lens molding assembly comprises a lens molding die, an upper member, an upper cylindrical holder, and a positioning member. Further, Applicant has amended dependent

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claims 2, 4-5, 27-28 and 30-32 solely to conform these claims to the amendments made to the respective independent claims from which they depend, by reciting ---lens molding assembly--- rather than "lens molding die". It is thus respectfully submitted that the invention more particularly points out and distinctly claims the subject matter regarded as the invention, and it is respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. § 112.

Thus, Applicant respectfully submits that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C., and respectfully request the Examiner to indicate the allowance the present application.

COMMENTS ON STATEMENT OF REASONS FOR THE INDICATION OF  
ALLOWABLE SUBJECT MATTER

In response to the Statement of Reasons for the Indication of Allowable Subject Matter, mailed by the Patent and Trademark Office on August 9, 2005, along with the above-noted Office Action, Applicant wishes to clarify the record with respect to the basis for patentability of the allowed claims in the present application. In this regard, while Applicant does not disagree with the Examiner's indications that certain identified features are not disclosed by the prior art references, as noted by the Examiner, Applicant further wishes to clarify that each of the independent claims in the present application recites a particular combination of features, and the basis for patentability of each of these claims is further based on the particular totality of the features recited therein. The dependent claims set forth additional basis for their patentability in accordance with their recited limitations as well as in accordance with the particular limitations of the respective base claims.

SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the present amendment is in proper form. Accordingly, consideration of the present amendment, reconsideration of the outstanding Official Action and allowance of the present application and all of the claims therein are respectfully requested and are now believed to be appropriate.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance, and no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. Thus, all amendments to the claims made in this amendment have not been made to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding the present response, or this application, the Examiner is respectfully requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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